

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Michael Mshar v Cathy Dennis**  
Docket No. **268136**  
L.C. No. **05-502555-CZ**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the January 11, 2006 order denying appellant's motion for relief from judgment and the motion for entry of stay of proceedings are DISMISSED for lack of jurisdiction since the order appealed is a postjudgment order that is not appealable as a matter of right. *Allied Electric Supply Co v Tenaglia*, 461 Mich 285, 288; 602 NW2d 572 (1999) (an order denying an appellant's motion to set aside an earlier final order is a postjudgment order that is not appealable as a matter of right if the appellant failed to file the motion within the initial 21-day appellate period). Any earlier case law to the contrary has been specifically overruled by the adoption of the final order definitions found at MCR 7.202(6)(a). *Id.* If appellant still wants to appeal the order in question, he must file a delayed application for leave to appeal under MCR 7.205. See MCR 7.203(B)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 02 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk